IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

W.A. Nos.2239 to 2242 of 2000

1. The District Collector,
Erode District at Erode.

2. The District Supply Officer,
Erode District. .. Appellants in all W.As.

-vs-

V.Rajangam .. Respondent in W.A.2239/2000
S.K.Chellamuthu .. Respondent in W.A.2240/2000
N.Sundraraj .. Respondent in W.A.2241/2000
T.Madheswaran .. Respondent in W.A.2242/2000

Writ Appeals filed under Clause 15 of Letters Patent against the orders made in W.P.Nos.11081, 10542, 11767 and 11898 of 2000 respectively, dated 09.08.2000.

Petitions presented to this court under Article 226 of the constitution of India to issue a writ of Mandamus,

1. Directing the respondents to relese the 18,000 Coconuts which were seized from the lorry bearing Reg.No TAB 3933 by the 2nd respondent on 19/06/2000 to the petitioner (in WP 11081/2000)

2. Directing the Ist respondent to release the seized lorry bearing Registration No. TAB 3933 seized on 19/06/2000 by the 2nd respondent to the petitioner (in WP 10542/2000)

3. Directing the Ist respondent to release the seized Van bearing registration No TN 55A 7374 seized on 8/7/2000 by the 2nd respondent to the petitioner (in wp 11767/2000.

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4. Directing the respondents to release the 123 bags of Coconut Copra which was seized by the 2nd respondent herein from the Mini Van bearing Registration No TN 55A 7374 to the petitioner herein (in WP 11898/2000)

For Appellants : Mr.P.Subramania, G.A.
For Respondents: Mr.C.Prakasam

J U D G M E N T

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The District Collector and the District Supply Officer, Erode, aggrieved by the common order dated 09.08.2000 made in W.P.Nos.11081, 10542, 11767 and 11898 of 2000, filed the above writ appeals.

2. The learned single Judge, on going through the various provisions of the Control Order after finding that the respondents have no authority to seize the coconut and proceed against the petitioner for violation of Tamil Nadu Essential Trade Articles (Regulation of Trade) Order 1984, allowed the writ petitions.

3. Now it is brought to our notice that in the Notification issued by the Government of India, Ministry of Consumer Affairs, Food and Public Distribution, it has been clarified that no licence is required in respect of food items mentioned therein. However, in the same order it has been clarified that such control can be re-imposed if the situation warrants at a later date, with the concurrence of Government of India. In view of the present position as seen from the Notification of the Government of India which is reflected in G.O.(Ms)No.164 dated 17.04.2003, we are of the view that no adjudication is required in these writ appeals. With the above observation, we close all the writ appeals. No costs. Consequently, connected miscellaneous petition is closed.

(P.S.J.)(S.T.J.)
06.11.2006.

Sd/
Asst.Registrar

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Sub Asst.Registrar

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To

1. The District Collector, Erode District at Erode.

2. The District Supply Officer, Erode District.

+ One CC to Govt Pleader SR 52820.

W.A.Nos.2239 to 2242 of 2000

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